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March 5, 2022

VIA ECF

Honorable David M. Lawson
 United States District Judge
 Theodore Levin U.S. Courthouse
 231 W. Lafayette Blvd., Room 775
 Detroit, Michigan 48226

**Re: *United States of America v. Letko, et al.*
 Case No. 2:19-CR-20652-DML-DRG**

Dear Judge Lawson:

This firm represents Defendant Katherine Peterson in the above-referenced matter. Currently I am on trial in the District of New Jersey and, therefore, was unable to participate in the status conference in this matter on March 3, 2022. I have reviewed the scheduling order entered by the Court following that conference, including the trial date set for Tuesday, October 4, 2022 trial start date. The following three dates are Jewish holidays on which I could not attend trial due to reasons of religious observance: Wednesday, October 5 (Yom Kippur), Monday, October 10 (First Day of Sukkot), and Monday, October 17 (Last Day of Sukkot). This is the same conflict I raised last year when trial was scheduled for September 2021, as explained in my attached February 19, 2021 letter to the Court (ECF No. 123). I apologize that I was unable to be on the Zoom this week, as I would have noted the conflict at that time; I recall the Court was very gracious in accommodating the Jewish holiday schedule when the issue arose last year and would request that it do so again.

Without wanting to be a pest, I note that Defendant Peterson's pretrial motion for a transfer/severance for purposes of trial remains pending before the Court. As noted in my December 21, 2021 letter to the Court (ECF No. 172), also attached to this letter, additional factors have arisen since that motion was argued and taken under advisement by the Court that are relevant to Defendant's application. In light of those factors, it would be helpful to counsel and Defendant if the Court were to resolve Defendant's pending motion – *i.e.*, the question of whether Peterson's trial (not discovery) will be transferred to another district – with sufficient time to allow counsel (and Defendant) to attempt to make arrangements for the October 4, 2022 trial in Michigan in the event the motion is denied.

Thank you very much for the Court's consideration of these requests.

Respectfully yours,

Mark A. Berman

Attachments (ECF Nos. 123 & 172)

cc: All Counsel of Record (via ECF)